IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.970 OF 2005

Sajid Ali Nisar Ahammed Ansari ...Petitioner

Vs.

The State of Maharashtra ...Respondent

Smt. R.R.Dhuru for the Petitoner.
Ms. M.H. Mhatre A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 13, 2005.

P.C.:

1. The challenge in this Petition which is received through Jail is to the order dated 3rd December, 2004 by which the Application for furlough leave made by the Petitioner has been rejected. Application for furlough leave is rejected on the basis of the adverse police report. The adverse police report is on two grounds. The first ground is that the police have recorded the statement of the complainant in the case in which the Petitioner was convicted and on the basis of the statement, the apprehension is expressed that there will be breach of public peace and tranquility in case the Petitioner is enlarged on furlough leave. The second ground is that apart from the Petitioner, two other prisoners have offered surety of the same person and therefore, such surety cannot be accepted.

2. After having heard the Counsel appearing for the parties, I find no fault with the impugned order by which the Application for furlough leave has been rejected on the ground of the adverse police report dated 4th November, 2004.

3. It is obvious that the Application was rejected on the basis of the material available at the relevant time and therefore, rejection of the said Application will not preclude the Petitioner from making a fresh Application.

4. Hence, Petition is rejected. Rejection of the Petition will not preclude the Petitioner from making fresh application for furlough leave in accordance with law.

5. Copy of this order be sent to the Petitioner.

JUDGE